

REMARKS/ARGUMENTS

Claims 22, 23, 25, 31, and 37 are amended; claim 30 is currently cancelled; claims 1-21 were previously cancelled; claims 22-29 and 31-41 are pending upon entry of the Amendment. No new matter is introduced by way of the Amendment.

Claim Rejections – 35 USC §112:

Claims 22-41 are rejected under 35 USC §112, second paragraph, as allegedly being indefinite. With regard to claim 22, applicant believes that the former amendment addressed a portion of the rejection. Additionally, claim 22 has been amended without prejudice to address the rejection and clarify the claim scope.

Claim Rejections – 35 USC §102:

Claims 22-41 are rejected under 35 USC §102(b) as being allegedly anticipated by US 2,620,542 to Fontaine. The rejection is respectfully traversed.

Fontaine does not teach nor suggest, *inter alia*, "wherein the bolt element is rotatably journaled around a longitudinal axis in the captively connected locking element", as required by amended claim 22.

Fontaine shows in Fig. 3 that cap screws 6 attach a tension rod 22 to bars 3. Clearly, the tension rod 22 cannot be rotatably journaled around a longitudinal axis, when the cap screws 6 are attached to the tension rod 22, since the tension rod 22 is made rotatably immovable by the cap screws 6.

In light of at least the above, claim 22, and all claims dependent therefrom, is not anticipated by Fontaine.

Claims 22-41 are rejected under 35 USC §102(b) as being allegedly anticipated by US Pub. No. 2004/0129857 to Musk et al. ("Musk"). The rejection is respectfully traversed.

Musk does not teach nor suggest, *inter alia*, "wherein the locking elements ... have coupling elements that are removably engaged to the formwork elements and structurally configured to transmit compressive forces from the formwork elements onto the bolt element", as required by amended claim 22.

Musk clearly shows that compressive forces are supported by a tube 42 placed between the frame 12 and over the rod 46. Compressive forces from the frame 12 are applied to the tube 42 via cones 66. This is clearly illustrated in Fig. 2, as one commonly skilled in the art would readily appraise. Musk recites (paragraph [0021]), emphasis added:

The sealing cones 66 have annular apertures 68 through which the threaded bars 46 protrude and an enlarged portion 70 which extends radially beyond the outer diameter of the tubes 48 such that the cones 66 are compressed between the tubes 48 and members 18 when opposing wall forms 10 are drawn together.

Further, the leg members 58, 60 are merely insertion elements to fit the tie rod engaging portions 40 onto the frame 12, akin to a wood biscuit. There are no structural aspects of the leg members 58, 60 which would cause the portions 40 to transfer compressive forces therefrom to the tie rod 46.

Additionally, Musk does not teach nor suggest, *inter alia*, "wherein the bolt element is rotatably journaled around a longitudinal axis in the captively connected locking element", as required by amended claim 22. Clearly, this is not an aspect which Musk recites given that the tie rod is bolted on both ends when captively connected to the portions 40, and thus cannot be journaled.

In light of at least the above, claim 22, and all claims dependent therefrom, is not anticipated by Musk.

Claims 22-41 are rejected under 35 USC §102(b) as being allegedly anticipated by DE 10336414 ("DE '414"). The rejection is respectfully traversed.

DE '414 does not teach nor suggest, *inter alia*, "wherein the locking elements ... have coupling elements that are removably engaged to the formwork elements and structurally

configured to transmit compressive forces from the formwork elements onto the bolt element", as required by amended claim 22.

DE '414 lacks any such elements to transmit compressive forces from elements 23 onto rod 10. There are no structural aspects which lock elements 24 to elements 23 for transferring compressive forces. Further, no reasonable inference exists, as Fig. 1A shows no evidence in support of such a conclusion.

Additionally, DE '414 does not teach nor suggest, inter alia, "wherein the bolt element is rotatably journaled around a longitudinal axis in the captively connected locking element", as required by amended claim 22. Clearly, this is not an aspect which DE '414 recites given that rod 10 is bolted on both ends when captively connected to the elements 211/212, and thus cannot be journaled.

Claim Rejections – 35 USC §103:


Claims 33-37 are rejected under 35 USC §103(a) as being unpatentable over various combinations of the prior art, which are not repeated here for the sake of brevity. These claims derive patentability from claim 22, and also recite patentable claim limitations in their own right, the reasons for which are not expounded upon herein for the sake of brevity.

CONCLUSION

In view of the foregoing, applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4380 (direct dial).

Respectfully submitted,



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